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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

HILDA L. SOLIS, SECRETARY OF
LABOR, UNITED STATES
DEPARTMENT OF LABOR,

CV. 10-6010-TC

Plaintiff,

~~(Proposed)~~ TEMPORARY RESTRAINING
ORDER

v.

(30 U.S.C. §818(a)(1))

FRANCES RICHARD SCHRADER, an
individual, d/b/a ALL COAST CONCRETE;
a/k/a FRANCES SCHRADER AND SON,

Defendants.

This matter is before the Court on motion of the Plaintiff, Hilda L. Solis, Secretary of Labor, United States Department of Labor, for a Temporary Restraining Order pursuant to Section 108(a)(1) of the Federal Mine Safety and Health Act of 1977 (the “Act”), 30 U.S.C. §818(a)(1), and Rule 65(b) of the Federal Rules of Civil Procedure. The Secretary seeks to enjoin the Defendants, Frances Richard Schrader, an individual, d/b/a All Coast Concrete; a/k/a Frances Schrader and Son, from further violations of the Act as set forth in the Secretary’s Motion for Temporary Restraining Order and Permanent Injunction, and supporting papers. The Secretary further requests that the Court schedule a hearing to consider its Motion for a Permanent Injunction.

Having considered all of the materials and arguments submitted, the Court finds as follows:

- 1) Frances Richard Schrader d/b/a All Coast Concrete is an owner/operator of a mine within the meaning of the Act and is subject to the requirements of the Act;
- 2) Frances Schrader and Son is an owner/operator of a mine within the meaning of the Act and is subject to the requirements of the Act;
- 3) The requested relief is necessary because Defendants continue to refuse to comply with citations and orders issued by the Secretary’s authorized representatives while carrying out inspections necessary to ensure compliance with the requirements of the Act.
- 4) The Defendants’ actions are in ongoing violation of the Act, as set out in the Secretary’s Complaint for Injunctive Relief and in the Memorandum of Law in support of this Motion.
- 5) Defendants’ actions create a risk of irreparable injury, loss or damage; and, injunctive relief is specifically authorized by the Act.

IT IS THEREFORE ORDERED:

1) The Motion of Plaintiff for a Temporary Restraining Order is granted;

2) The Defendants, their agents, employees, and all those in active concert and participation with them are ordered, pending the final disposition of this matter, to not conduct any mining operations until they are in compliance with the Act.

3) A hearing on Plaintiff's Motion for a Permanent Injunction is scheduled for

February 1, 2010 at 10:00 am at the U.S. Courthouse in Eugene

Dated this 22 day of January, 2010.


UNITED STATES DISTRICT JUDGE

Presented by:

By: s/ Evan H. Nordby
EVAN H. NORDBY, WSBA #35937
Trial Attorney

Attorney for Plaintiff Hilda L. Solis,
Secretary of Labor
United States Department of Labor